

EXHIBIT A

Oasis v. AT&T Corp. et al.
PARTIES' PROPOSED CONSTRUCTIONS

	Claim Phrase	Plaintiff's Proposed Construction	Defendants' Proposed Construction
1	“auxiliary storage” ('228 patent, claims 1, 5, 15)	storage in addition to internal storage used either: (1) to store additional data or programs in the event of space limitations; or (2) to store data for the purpose of being used in case of data loss or failure of internal storage	storage using a virtual disk, allowing a computer to increase the amount of storage it has by storing files on the virtual disk rather than the computer itself
2	Plaintiff: “backup” / “backing up” ('354 Patent, Claims 1, 2, 3, 9, 24; '228 Patent, Claim 3; '943 Patent, Claims 4, 6; '051 Patent, Claim 9) Defendants: “backup services” / “backup” / “backing up” ('354 patent, claims 1, 3; '228 patent, claim 3; '943 patent, claims 4 and 6; '051 patent, claim 9)	storing data for the purpose of being used in case of data loss or failure of internal storage	back up (verb) / backup services: automated, periodic transfer of data to maintain an up-to-date copy of data for recovery purposes backup (noun): an up-to-date copy of data for recovery purposes obtained by automated, periodic transfer of data Carbonite's proposal: no construction necessary

	Claim Phrase	Plaintiff's Proposed Construction	Defendants' Proposed Construction
3	“establishing a [first/second] online Internet session” ('354 patent, claim 1)	establishing [or setting up] a connection resulting in a [first/second] real time link over the Internet	initiating a connection resulting in a [first/second] live, interactive communication session using a worldwide network of computers connected together
4	“establishing an Internet connection” ('228 patent, claims 3, 21)	establishing [or setting up] a connection over the Internet	initiating a connection resulting in a live, interactive communication connection using a worldwide network of computers connected together
5	“establishing an Internet link” ('943 patent, claim 1)	establishing [or setting up] a connection resulting in a link over the Internet	initiating a connection resulting in a live, interactive communication link using a worldwide network of computers connected together
6	“establishing a telecommunications connection” ('228 patent, claim 1)	establishing [or setting up] a connection over a telecommunication link (<i>e.g.</i> , ISDN link, LAN/WAN connect, a “front end controller,” another computer, a telephone company connection, a direct connection, a fiber optic link, a cable television link, cellular link, a satellite link, a radio frequency link and/or a PDN connection)	initiating a connection resulting in a live, interactive communication connection using a network of computers connected together

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7 “establishing a communications link . . . using the Internet” ('051 patent, claim 9)	establishing [or setting up] a connection resulting in a link over the Internet	initiating a connection resulting in a live, interactive communications link using a worldwide network of computers connected together
8 “provider of online backup, online storage, online processing” ('051 patent, claim 9)	provider of all three of online backup, storage, and processing	provider of all three of the separate services of online backup, online storage, and online processing
9 “online storage” ('051 patent, claim 9)	storage available through an online connection	services that increase the amount of storage on the customer's computer by storing files remotely rather than on the customer's computer
10 “online processing” ('051 patent, claim 9)	either remotely manipulating customer data files, or passing data files back and forth online without doing any other substantive processing	services that remotely manipulate customer data files
11 Plaintiff: “backup, restore, and/or archive” / “backup, restore and/or archiving” ('943 Patent, Claim 1; '051 Patent, Claim 9.)	service for performing at least two of the three separate options of backup, restore, and archive archive/archiving: backup of inactive files	service for performing all three of the separate options of backup, restore, and archive archive: copy inactive files for long-term retention, rather than for backup

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	<p>Defendants:</p> <p>“providing an offsite backup, restore and/or archiving data storage service” ('943 patent, claim 1)</p> <p>“backing up, archiving and/or restoring data” ('943 patent, claim 1)</p> <p>“offsite data storage service accessible . . . for backup, restore and/or archiving” ('943 patent, claim 1)</p> <p>“backup, restore and/or archival purposes” ('943 patent, claim 1)</p> <p>“backup, restore, and/or archive” ('051 patent, claim 9)</p>		
12	<p>“online service provider” ('228 patent, claim 1; '943 patent, claim 1; '051 patent, claim 9);</p> <p>“online services” ('051 patent, claim 9)</p>	<p>No construction necessary.</p> <p>Alternative: provider of at least one online service</p>	<p>provider that provides a broad range of information to online computer users; not merely a provider of backup or storage services</p> <p>AT&T's proposal: no construction necessary</p>

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13 “substantially as if the remote storage area was a backup storage device physically and/or locally attached to the customer’s computer” ('354 patent, claim 1) “substantially as if the virtual backup storage device was a physical backup storage device locally attached to the customer’s computer” ('228 patent, claim 3)	such that the remote storage area has substantially the same functionality as a backup storage device physically and/or locally attached to the customer’s computer	such that the remote storage area looks and acts like a backup storage device physically and/or locally attached to the customer’s computer with the same basic attributes, including the ability to open, read from, and write to all files located in the remote storage area and being recognized by the customer’s computer as a physically or locally attached device
14 “making available, to the customer’s computer via the telecommunications connection, at least some of the storage provided by the online service provider” ('228 patent, claim 1) “making available, to the customer’s computing device via the Internet link, at least some data stored in the online service provider’s storage” ('943 patent, claim 1) “making available to the customer some of the data stored	No construction necessary.	providing remote storage that the customer’s computer recognizes as a locally attached device with the same basic access abilities as if the storage was local, including the ability to open, read from, and write to all files located in the remote storage area

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	within the online service provider's storage over the Internet" ('051 patent, claim 9)		
15	<p>"virtual disk" ('228 patent, claim 2)</p> <p>"virtual backup storage resource" ('228 patent, claim 3)</p> <p>"virtual backup storage device" ('228 patent, claim 3)</p>	an arrangement (e.g., some combination of local and/or remote hardware and/or software) that looks like a locally attached, physical [disk/resource/device]	a disk/resource/device that looks and acts like a locally attached, physical disk drive to a computer with the same basic attributes, including opening, reading from, and writing to those files as if they were locally attached, and that the computer recognizes as a physically or locally attached device
16	<p>Defendant: "integrating the second Internet connection for access by the customer computer's file system" ('354 patent, claim 2)</p> <p>Plaintiff: "allowing the customer computer to access the remote storage area provided by the online backup service provider storage by integrating the second Internet connection for access by the customer computer's file system." ('354 patent, claim 2)</p>	running communications software to establish a session in which the customer computer can send/receive data to/from the remote storage area after using the customer computer's file system to select files	<p>Indefinite.</p> <p>In the alternative:</p> <p>having a replica computer of the same type as a customer computer load device drivers and run communications software to establish a host session for providing customer access to the host computer drives</p>

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17 “establishing a customer relationship” ('228 patent, claim 1, '943 patent, claim 1) “establishing a customer/provider relationship” ('051 patent, claim 9)	establishing [or setting up] an account or other commercial arrangement with a customer	Indefinite. In the alternative: the customer dialing a special charge telephone number to access the sign up computer system of the provider, resulting in the provider assigning and sending a user ID and password to the customer's computer
18 “establishing a customer identifier and associated password for the customer” ('354 patent, claim 1)	establishing [or setting up] a user ID and password for the customer	the provider creating and assigning a user ID and password to the customer during the initial login
19 “validating the customer identifier and password” ('354 patent, claim 1)	comparing a customer identifier and password with the customer identifier and password stored by the provider	comparing a customer identifier and password input by the customer with the customer identifier and password stored on the host
20 “validating the customer's authority” ('228 patent, claim 1; '943 patent, claim 1) “validating that the customer is permitted to access” ('051 patent, claim 9)	comparing credentials with credentials stored by the provider	comparing a customer identifier and password input by the customer with the customer identifier and password stored on the host

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21	“conditionally restricting at least a part of the customer’s access” (’228 patent, claim 1)	limiting the access of a customer	limiting the access of an already authorized customer within the storage already made available in step (d)
22	“conditionally authorizing and/or restricting access (’943 patent, claim 1)	limiting the access of a customer	limiting the access of an already authorized customer within the data already made available in step (d)
23	“conditionally permitting or denying the customer” (’051 patent, claim 9)	limiting the access of a customer	limiting the access of an already authorized customer within the data already made available in step (4)
24	“generating billing information” (’228 patent, claim 1; ’943 patent, claim 1) “billing the customer” (’051 patent, claim 9)	generating information used to bill the customer	generating a bill that is sent to the customer to pay an amount owed for past use
25	“requesting payment” (’228 patent, claim 3)	No construction necessary.	sending a bill to a customer to pay an amount owed for past use

	Claim Phrase	Plaintiff's Proposed Construction	Defendants' Proposed Construction
26	“tracking” ('228 patent, claim 1) “logging” ('943 patent, claim 1) “logging” ('051, claim 9)	keeping a record	keeping a record for billing purposes